

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Andy Michael Thompson,

Plaintiff

v.

Nevada Secretary of State,

Defendant

Case No. 2:25-cv-01284-CDS-EJY

**Order Dismissing Action and Denying the  
Plaintiff's Motion to Vacate**

[ECF No. 37]

On January 12, 2026, I dismissed the complaint in this action without prejudice and with leave to amend after determining that I lacked subject matter jurisdiction. *See* Order, ECF No. 35. In my dismissal order, Thompson was given leave to amend the complaint and instructed that if he elected to do so, then an amended complaint must be filed by January 26, 2026, amongst other instructions. *See id.* On the same day that I dismissed the complaint, Thompson filed an amended complaint and a motion to vacate my complaint-dismissal order. *See* Am. compl., ECF No. 36; Mot., ECF No. 37. For the reasons set forth herein, I dismiss this action for lack of subject matter jurisdiction.

The amended complaint does not cure the deficiencies identified in the January 12, 2026 dismissal order. Although modified slightly, the amended complaint brings the same claims based on the same underlying allegations. *Compare* ECF No. 1, *with* ECF No. 36. Thompson was given two opportunities to demonstrate standing—first in response to the show-cause order, then in his amended complaint—but he failed to do so. *See Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987) (holding that while court ordinarily permits a pro se plaintiff leave to amend, leave to amend should not be granted where it appears amendment would be futile). Thus, based on the same reasoning set forth in my prior dismissal order, I dismiss this action for lack of standing without prejudice and without leave to amend because amendment would be futile.

1 Further, because this court lacks standing over this action, Thompson's motion to vacate is  
2 denied.

3 **Conclusion**

4 IT IS HEREBY ORDERED that this case is dismissed without prejudice and without  
5 leave to amend.

6 IT IS FURTHER ORDERED that Thompson's motion to vacate [ECF No. 37] is  
7 **DENIED.**

8 The Clerk of Court is kindly directed to close this case. There can be no further filings in  
9 this now-closed case.

10 Dated: February 4, 2026

11  
12   
13 Cristina D. Silva  
14 United States District Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26